{deleted text} shows text that was in HB0262 but was deleted in HB0262S01.

inserted text shows text that was not in HB0262 but was inserted into HB0262S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kraig Powell proposes the following substitute bill:

LOCAL GOVERNING BODY VOTING AMENDMENTS

2014 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Kraig Powell
Senate Sponsor:

LONG TITLE

General Description:

This bill enacts language related to the minimum vote requirements of a local governing body.

Highlighted Provisions:

This bill:

- requires a majority vote of the total number of voting members of a municipal council or county legislative body to pass an ordinance or resolution or take other action for the following local governing bodies:
- a municipal council;
 - a county legislative body;
 - a local district board of trustees:
- the board of a community development and renewal agency;

- a taxing entity committee; and
 a conservation district board of supervisors; and
 - makes technical corrections}.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-507, as last amended by Laws of Utah 2011, Chapter 176

17-53-203, as renumbered and amended by Laws of Utah 2000, Chapter 133

17B-1-310, as last amended by Laws of Utah 2013, Chapter 448

17C-1-203, as last amended by Laws of Utah 2008, Chapter 125

17C-1-402, as last amended by Laws of Utah 2013, Chapter 80

17D-3-301, as enacted by Laws of Utah 2008, Chapter 360

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 10-3-507 is amended to read:

10-3-507. Minimum vote required.

- (1) The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is a majority of the <u>total</u> number of voting members of the council, <u>regardless of the number of voting members of the council present at the meeting, and without considering any vacancy in the council.</u>
- (2) (a) Any ordinance, resolution, or motion of the council having fewer favorable votes than required in this section is defeated and invalid.
- (b) Notwithstanding Subsection (2)(a), a council meeting may be adjourned to a specific time by a majority vote of the council even though the majority vote is less than that required in this section.
- (3) A majority of the council members, regardless of number, may fill any vacancy in the council as provided under Section 20A-1-510.

Section 2. Section 17-53-203 is amended to read:

17-53-203. Chair -- Oaths -- Minimum vote required.

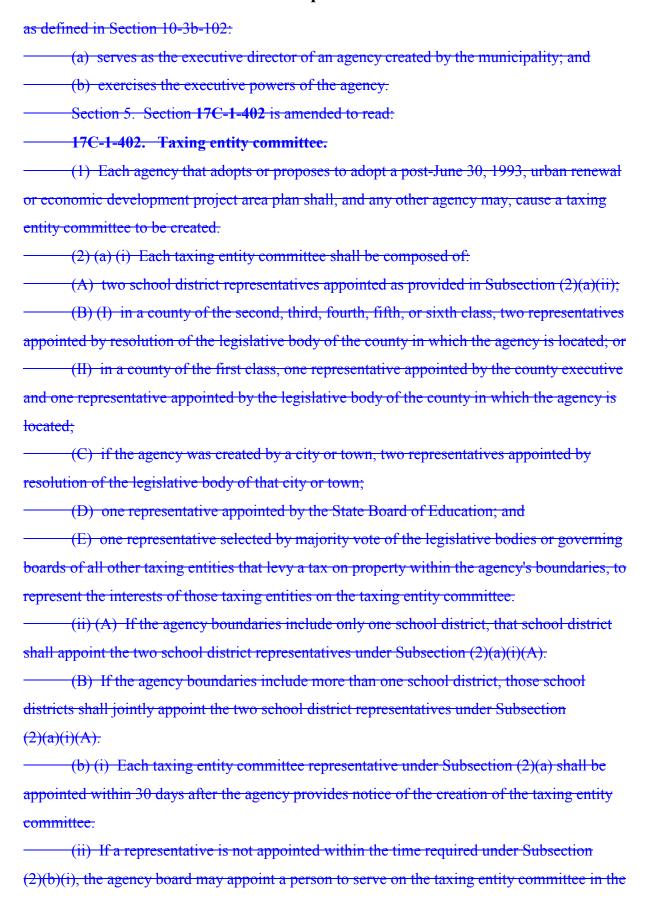
- (1) Each county legislative body shall elect one of their number chair and may elect a vice chair.
- (2) (a) The chair shall preside at all meetings of the county legislative body, and in case of the chair's absence or inability to act, the vice chair, if there is one, shall preside.
- (b) If both the chair and vice chair, if there is one, are absent or unable to act, the members present shall, by an order entered in their minutes, select one of their number to act as chair temporarily.
- (3) Any member of the county legislative body may administer oaths to any person when necessary in the performance of official duties.
- (4) Not less than a majority of members shall constitute a quorum for the transaction of business[, and no act of the county legislative body shall be valid or binding unless a majority of members present when a quorum is present concurs therein].
- (5) Unless otherwise prescribed by law, the minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the county legislative body, is a majority of the total number of voting members of the legislative body, regardless of the number of voting members of the legislative body present at the meeting, and without considering any vacancy in the legislative body.

Section 3. Section 17B-1-310 is amended to read:

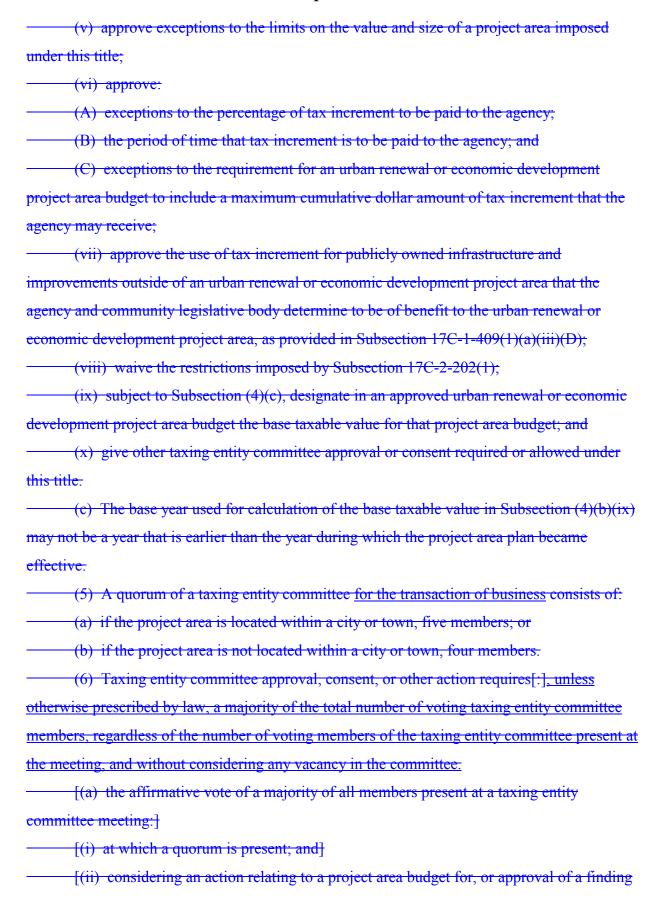
17B-1-310. Minimum vote of board of trustees -- Meetings of the board.

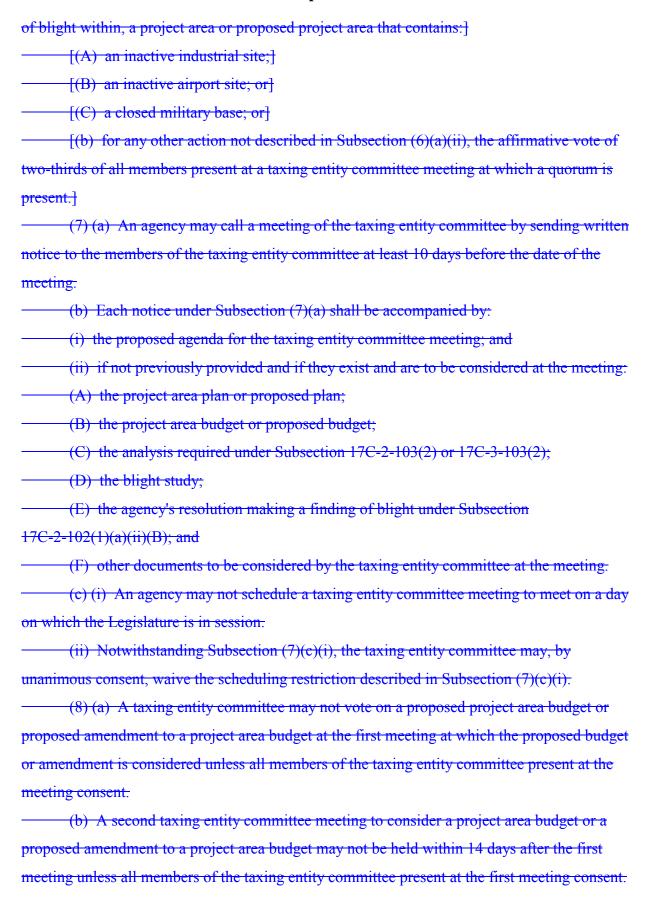
- (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees constitutes a quorum for the transaction of board business[, and action by a majority of a quorum constitutes action of the board].
- (ii) The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the board of trustees, is a majority of the total number of voting members of the board, regardless of the number of voting members of the board present at the meeting, and without considering any vacancy in the board.
- [(ii)] (iii) Except as otherwise required by law, an otherwise valid action of the board is not made invalid because of the method chosen by the board to take or memorialize the action.
- (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that require more than a majority to constitute a quorum or that require action by more than a

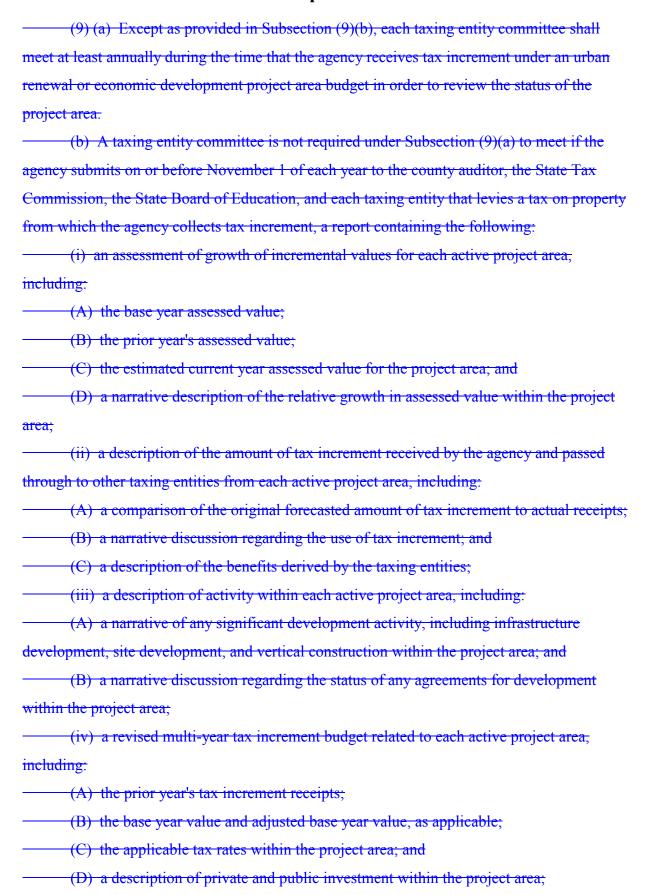
majority [of a quorum] to constitute action by the board. (ii) A board with five or more members may not adopt bylaws or rules that require a vote of more than two-thirds of the board to constitute board action except for a board action to dispose of real property owned by the local district. (2) The board of trustees shall hold such regular and special meetings as the board determines at a location that the board determines. (3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open and Public Meetings Act. (b) Subject to Subsection (3)(c), a board of trustees shall: (i) adopt rules of order and procedure to govern a public meeting of the board of trustees: (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(b)(i); and (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available to the public: (A) at each meeting of the board of trustees; and (B) on the local district's public website, if available. (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52, Chapter 4, Open and Public Meetings Act. Section 4. Section 17C-1-203 is amended to read: 17C-1-203. Agency board -- Minimum vote required. (1) The governing body of an agency is a board consisting of the current members of the legislative body of the community that created the agency. (2) A majority of board members constitutes a quorum for the transaction of agency business. (3) An agency board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the total number of the voting board members [present at a meeting at which a quorum is present], regardless of the number of voting members of the board present at the meeting, and without considering any vacancy in the board. (4) The mayor of a municipality operating under a council-mayor form of government,

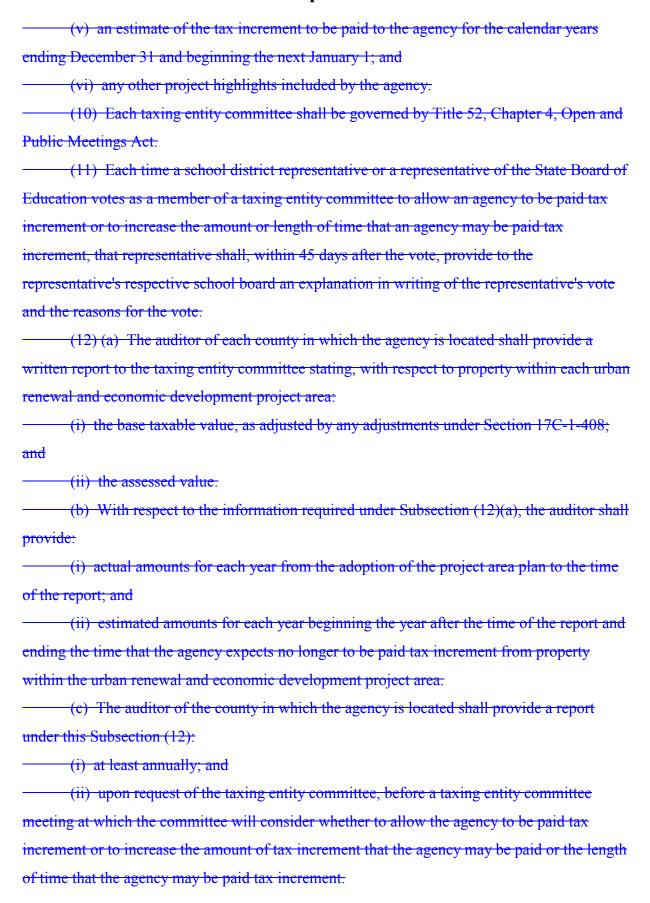


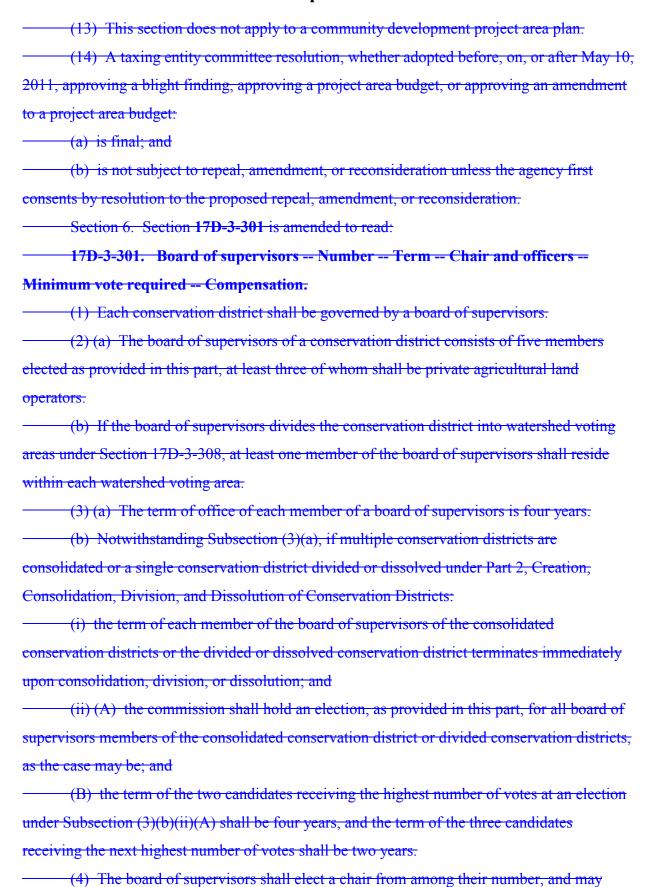
place of the missing representative until that representative is appointed. (c) (i) A taxing entity committee representative may be appointed for a set term or period of time, as determined by the appointing authority under Subsection (2)(a)(i). (ii) Each taxing entity committee representative shall serve until a successor is appointed and qualified. (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether an initial appointment or an appointment to replace an already serving representative, the appointing authority shall: (A) notify the agency in writing of the name and address of the newly appointed representative; and (B) provide the agency a copy of the resolution making the appointment or, if the appointment is not made by resolution, other evidence of the appointment. (ii) Each appointing authority of a taxing entity committee representative under Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a representative appointed by that appointing authority. (3) At its first meeting, a taxing entity committee shall adopt an organizing resolution: (a) designating a chair and a secretary of the committee; and (b) if the committee considers it appropriate, governing the use of electronic meetings under Section 52-4-207. (4) (a) A taxing entity committee represents all taxing entities regarding: (i) an urban renewal project area; or (ii) an economic development project area. (b) A taxing entity committee may: (i) cast votes that will be binding on all taxing entities; (ii) negotiate with the agency concerning a draft project area plan; (iii) approve or disapprove: (A) an urban renewal project area budget as provided in Section 17C-2-204; or (B) an economic development project area budget as provided in Section 17C-3-203; (iv) approve or disapprove amendments to a project area budget as provided in: (A) Section 17C-2-206 for an urban renewal project area budget; or (B) Section 17C-3-205 for an economic development project area budget;











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elect other officers from among their number that the board considers necessary.
(5) (a) A majority of the board of supervisors constitutes a quorum for the transaction
of board business[, and action by a majority of a quorum present at a meeting of the board
constitutes action of the board].
(b) Unless otherwise prescribed by law, the minimum number of yes votes required for
the transaction of business by the board of supervisors is a majority of the total number of
voting members of the board, regardless of the number of voting members of the board of
supervisors present at the meeting, and without considering any vacancy in the board.
(6) For performing official duties, each member of the board of supervisors of a
conservation district shall receive:
(a) compensation for travel and time, as fixed by the commission; and
(b) actual and necessary expenses.
Legislative Review Note
as of 1-3-14 9:22 AM

Office of Legislative Research and General Counsel}